IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal Application No.1943 of 2006

Firoz Salim Gudadawat ..Applicant

vs

State of Maharashtra ..Respondent

Mr.Sudhir Hardikar for the applicant
Mr. K.V.Saste, Assistant Public Prosecutor for the respondent.

CORAM: KSHITIJ R. VYAS, C.J.

DATE: JUNE 23, 2006.

P.C.:-

Head the leaned counsel for the applicant as well as the learned Assistant Public Prosecutor for the State. I have perused the case papers. The applicant was arrested by Shikrapur Police Station in connection with the offence punishable under section 395 read with section 34 of the Indian Penal Code. It may be stated that the learned 10th Ad-hoc Additional Sessions Judge, Pune, by his order dated 21st February, 2006 has rejected the bail application of the applicant. Having gone through the record, it appears that none of the prosecution witnesses have identified the applicant in the identification parade. It is the prosecution case that six unknown persons armed with weapons

committed dacoity on the Petrol Pump by assaulting the complaisant and other witnesses and taken away the amount of Rs.30,750/-. As far as the applicant is concerned, no cash amount is recovered from him, but under a panchanama prepared under section 27 of the Evidence Act, the police have recovered the jerkin which was stolen during the commission of offence. However, prima facie this cannot be used an incriminating circumstance to involve the applicant in the instant case. In any case on this ground the applicant cannot be denied bail. In view of this following order is passed:

Application is allowed.

The applicant shall be released on bail on his executing P.R. In the sum of Rs.2,000/- with one surety in the like amount, on usual terms and conditions with an additional condition that he shall report to the Shikrapur Police Station twice in a month on any Monday between 10 a.m. and 2.p.m till disposal of the case. Any breach of aforesaid conditions shall be a ground for cancellation of bail.

CHIEF JUSTICE